

DOCKET NO.: ISIS-3105



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Teng and Hardee

Serial No.: 09/108,673

Group Art Unit: Not Yet Assigned

Filing Date: July 1, 1998

Examiner: Not Yet Assigned

For: COMPOSITIONS AND METHODS FOR THE DELIVERY OF  
OLIGONUCLEOTIDES VIA THE ALIMENTARY CANAL

DATE OF DEPOSIT: 29 September 1998  
I HEREBY CERTIFY THAT THIS PAPER IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID  
ON THE DATE INDICATED ABOVE AND IS  
ADDRESSED TO THE ASSISTANT COMMISSIONER  
FOR PATENTS, WASHINGTON, DC 20231.

Paul K. Legard  
TYPED NAME: Paul K. Legard  
REGISTRATION NO.: 38,534

Box ☐ NON-FEE  
☐ AF

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☒ A Preliminary Amendment.
- ☐ An Amendment Responsive to the Office Action Dated \_\_\_\_\_.
- ☐ An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- ☐ Other: \_\_\_\_\_.

- ☒ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 was established in a previous submission.
- ☐ A Statement Claiming Small Entity Status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☒ Substitute Pages 72 - 116 of the Specification containing the Sequence Listing are enclosed.
- ☐ An Abstract is enclosed.
- ☐ \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: \_\_\_\_\_  
\_\_\_\_\_ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: \_\_\_\_\_
- ☒ Other Material as follows: Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure; copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure; Statement To Support Filing and Submission in Accordance with 37 CFR §§ 1.821 through 1.825; Computer Readable Disk.

## FEE CALCULATION

☒ No Additional Fee is Due.

	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	SMALL ENTITY		NOT SMALL ENTITY	
				RATE	FEE	RATE	FEE
TOTAL CLAIMS	40	40 (20 MINIMUM)	0	\$11 EACH	\$0	\$22 EACH	\$
INDEP. CLAIMS	2	3 (3 MINIMUM)	0	\$41 EACH	\$0	\$82 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$135	\$0	\$270	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$0	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$0	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$0	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$755	\$0	\$1510	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1030	\$0	\$2060	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$0 )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:					0		
TOTAL FEE DUE					0		

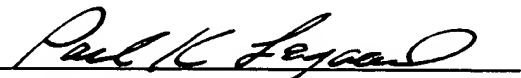
☐ A Check is Enclosed in the Foregoing Amount Due.

☐ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.
- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: *29 September 1998*

  
Paul K. Legaard  
Registration No. 38,534

Woodcock Washburn Kurtz  
Mackiewicz & Norris LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

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DOCKET NO.: ISIS-3105



PATENT #5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Teng and Hardee

Serial No.: 09/108,673

Group No.: Not Assigned

Filed: July 1, 1998

Examiner: Not Assigned

For: COMPOSITIONS AND METHODS FOR THE DELIVERY OF  
OLIGONUCLEOTIDES VIA THE ALIMENTARY CANAL

FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
23	3050
FEE CODE	VALUE FURNISHED
205	65

I, Paul K. Legaard, Registration No. 38,534 certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On September 29, 1998

  
Paul K. Legaard Reg. No. 38,534

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE**

In response to the "Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" dated September 1, 1998, enclosed herewith is:

- (XX) Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;
- (XX) Substitute pages 72-116 of the Sequence Listing;
- (XX) Substitute copy of the computer readable form of amended Sequence Listing;

11/06/1998 CSTREATE 00000000 23050 65.00 CH 01 FC:205

(XX) Copy of Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;

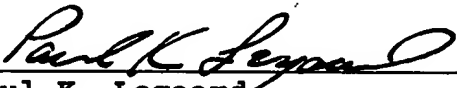
( ) Petition for Extension of Time;

(XX) Preliminary Amendment;

( ) Other:

The Commissioner is hereby authorized to charge any underpayment associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in triplicate.

Date: September 29, 1998

  
Paul K. Legaard  
Registration No. 38,534

WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103  
(215) 568-3100



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

Box 3712  
GP 3712

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/10/98 07/01/98 11/01/98

WASHINGTON, D.C.  
NEW YORK, N.Y.  
ONE LIBERTY PLACE  
10TH FLOOR  
PHILADELPHIA, PA 19103

02/02/1991

NOT ASSIGNED

16-15  
DATE MAILED

07/01/98

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: \_\_\_\_\_

#### APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☐ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

#### FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:

- ☐ For Rules Interpretation, call (703) 308-1123.
- ☐ For CRF submission help, call (703) 308-4212.
- ☐ For PatentIn software help, call (703) 308-6856.

RECEIVED

OCT 06 1998

Group 3700

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

DOCKET NO.: ISIS-3105



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Teng and Hardee

Serial No.: 09/108,673

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For: COMPOSITIONS AND METHODS FOR THE DELIVERY OF  
OLIGONUCLEOTIDES VIA THE ALIMENTARY CANAL

I, Paul K. Legaard, Registration No. 38,534 certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On September 29, 1998

  
Paul K. Legaard Reg. No. 38,534

Assistant Commissioner for Patents  
Washington DC 20231

Dear Sir:

STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE  
WITH 37 CFR §§ 1.821 THROUGH 1.825


- ( ) I hereby state, in accordance with the requirements of 37 C.F.R. §1.821(f), that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively are the same.
- ( ) I hereby state that the submission filed in accordance with 37 CFR §1.821(g) does not include new matter.
- ( ) I hereby state that the submission filed in accordance with 37 CFR §1.821(h) does not include new matter or go beyond the disclosure in the international application as filed.
- (XX) I hereby state that the amendments, made in accordance with 37 CFR §1.825(a), included in the substitute sheet(s) of the Sequence Listing are supported throughout the application, as filed. I hereby state that the substitute



sheet(s) of the Sequence Listing does (do) not include new matter.

- (XX) I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(b), is the same as the amended Sequence Listing.
- ( ) I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(d), contains identical data to that originally filed.

Date: September 29, 1998

  
Paul K. Legaard  
Registration No. 38,534

WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103  
(215) 568-3100